



For Immediate Release
May 6, 2003

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HOYER: WE SHOULD NOT WAGE “SHOCK AND AWE” AGAINST DOD EMPLOYEES

WASHINGTON – House Democratic Whip Steny Hoyer testified today before the House Government Reform Committee urging committee members to protect the rights of civil service employees in the Department of Defense and oppose the Administration's attempt to jam through sweeping changes to DoD personnel policies without adequate review.

Attached below is the full statement of Congressman Steny Hoyer made before the Committee this morning:

“Thank you Mr. Chairman, and members of the committee, for the opportunity to present to you my views on the Civil Service and National Security Personnel Improvement Act. While I appreciate your decision to schedule an additional hearing prior to marking up this measure, I am dismayed by the manner in which a civil service reform of this magnitude is being rushed through the legislative process.

It is shameful that we will give no more than cursory consideration to legislation that will strip from more than a third of our federal civilian employees their most basic worker protections.

The last piece of legislation to affect this many federal employees was the 1978 Civil Service Reform Act, and the process by which it was developed and considered could not be more different than what we see today.

Months prior to submitting his proposal to the Congress, President Carter established a working group to study personnel policies. The group heard from more than 7,000 individuals, held 17 public hearings and scores of meetings, and issued a three-volume report.

Upon subsequent introduction of the legislation, House and Senate Committees held 25 days of hearings, receiving testimony from 289 witnesses and written statements from more than 90 organizations. When the House committee marked up the legislation, it took 10 days and 42 roll call votes to consider 77 amendments.

This thorough, open and fair process resulted in civil service reform legislation that garnered near-unanimous bipartisan support in both chambers.

The contrast to the current process could not be more clear. This measure was conceived by a handful of the president's closest advisors without any public input; regrettably, not a single federal employee group was consulted.

Since introduction of the legislation last week, the House has scheduled a couple of hearings, a handful of witnesses will provide testimony, and it will likely be attached to the Defense Authorization bill and approved by the full House prior to the Memorial Day recess.

But why the urgency to enact such sweeping reforms?

Just five days ago, aboard the aircraft carrier USS Abraham Lincoln, President Bush said “I have a special word for Secretary Rumsfeld, for General Franks, and for all the men and women who wear the uniform of the United States: America is grateful for a job well done.” And the president was right.

The military campaign in Iraq was a tremendous achievement, made possible not only by the planning of our military leaders and the bravery and skill of our soldiers, sailors, airmen and marines, but also by the active support and participation of nearly 700,000 Department of Defense civilian employees.

How can it be, just days after the completion of such an immensely successful endeavor, that the Pentagon’s personnel system is so fundamentally flawed that it needs such immediate and drastic overhaul?

To be sure there are problems in the federal personnel system, including inadequate performance appraisal systems and inflexibilities in hiring, paying and disciplining employees, which must be addressed.

But it seems clear that there is time for the administration, Congress, and the affected employees to review the current system and explore solutions to these and any other problems that exist.

Not only that, we have an opportunity to learn from the experience of the Secretary of Homeland Security, as he attempts to implement the similarly broad authorities he was given over the rights of his department’s 170,000 employees.

But this bill is even more objectionable for what it does than for how it came to be. This proposal will have the chilling effect of undoing decades of some of the most important worker protections enacted by Congress.

Among its most egregious provisions, the legislation grants the Secretary of Defense the authority to strip federal workers of their collective bargaining rights, deny employees their right to appeal unfair treatment, grant supervisors complete discretion in setting salaries and determining raises, and abolish rules requiring that reductions in force be based on seniority and job performance.

Let me close by saying that I believe this proposal is the latest example of this administration’s contempt for the right of American workers to organize and collectively bargain. It also sends a terrible message to the federal employees who help to protect our nation every day – that the protections adopted by congress and the president over the years will be abandoned.

I acknowledge the fact that this is a substantive proposal. Because it is, we ought to take the time to consider it in a substantive way, rather pursuing this rush to judgment.

Mr. Chairman, “Shock and Awe” was a successful stratagem employed by the United States military, whereby we dominated the battle against the regime of Saddam Hussein through the overwhelming speed and sheer size of the attack. The Department of Defense now seems intent on waging a campaign of “Shock and Awe” against its nearly 700,000 civilian employees. We must not allow that to happen.”

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FOR IMMEDIATE RELEASE:
May 9, 2003

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RETURNING TO THE DAYS OF YESTERYEAR

(Washington, D.C.)—"Chair Tom Davis and the House of Representatives have taken a step closer to returning to the days of yesteryear when federal employees had no rights and management ruled with an iron fist," stated AFGE National President Bobby L. Harnage, Sr., following passage by the House Government Reform Committee of H.R. 1836.

Introduced by Rep. Davis and rushed through the House Government Reform Committee, H.R. 1836—the Civil Service and National Security Personnel Improvement Act—would allow the Department of Defense (DoD) to create a completely new personnel system without oversight by Congress, the Office of Personnel Management (OPM), or employee representatives.

The legislation would eliminate the current system of pay and give the Defense Secretary a blank check in how it compensates employees. Congress would no longer be involved in the process.

No longer would DoD have to adhere to the concept of "equal pay for equal work." DoD jobs that are graded similarly now could be treated much differently, leading to serious increases in federal pay discrimination on the basis of race, ethnicity or gender. The legislation also waives current provisions for premium pay, overtime, compensatory time, Sunday and holiday pay, hazardous duty pay, and firefighters pay.

Congressman Davis introduced the bill April 29; a subcommittee hearing was held the same day; his full Committee held a hearing on May 6; and on May 7 the bill was passed out of his Committee so it could be included in the Defense Authorization bill as early as next week.

"Tom Davis has betrayed federal employees by taking it upon himself to 'fast track' this legislation on behalf of the Administration," Harnage added. "Both the Administration and Davis know this bill could not withstand serious scrutiny once the public sees that federal employees have again been made second class citizens. With the passage of this legislation, Congress will have created yet another pork barrel of waste, fraud and abuse and returned the civil service to the days of yesteryear when a patronage system ruled the land."

"If Congress cared about Defense employees, they would require DoD to submit its proposals for a new system to Congress, hold hearings, and garner input from employees and others," Harnage concluded. "The House of Representatives should not consider a bill of this magnitude on such an expedited basis and Congress should not abrogate its oversight responsibilities and abandon some 700,000 federal employees by legislating

away their basic rights.”

AFGE is the largest federal employee union, representing some 600,000 government workers nationwide. AFGE represents over 200,000 dedicated employees working for the Department of Defense.

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CONG

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**the Department of Defense and I don't believe that
country that is being held up or not taking place bec
regulation."**¹³

**For these reasons, the National Governors A
Territorial Solid Waste Management Officials,¹⁵ and
California, Colorado, Massachusetts, Nevada, Idaho
and Washington¹⁶ have raised concerns with the De
from environmental laws, which would effectively (**

Repeal of over 100 Reporting and

**Section 422 of the Department's proposal ca
congressional reporting requirements. These reports
ranging from cost (stationing U.S. forces abroad, an
allocation of funds within operations and managemen
and unit readiness, aircraft inventory, unit operation
departmental waivers of current law (prime contract
awarded to entities controlled by foreign governmen**

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Exemptions From Env

During the last Congress, and again in the current Congress, the Department has proposed sweeping exemptions from a host of the nation's environmental laws, including the Clean Air Act, the Comprehensive Environmental Response, Compensation, and Liability Act, the Endangered Species Act, the Marine Mammal Protection Act, and the Endangered Species Act.

The Department's rationale for these proposals is that they are necessary to "encroached" upon by having to comply with federal and state environmental laws. Currently, the environmental laws require the Department to obtain exemptions from compliance with these laws in the interests of national security. These processes require the Department to justify its actions to the public and Congress. Rather than submit to this important oversight tools, the Department is seeking to eliminate accountability.

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Congress required the Department, as part of the Na Year 2003, to develop a comprehensive plan for usi assessment of current and future training range requ current resources to meet those requirements.⁷ The annual reports to Congress regarding these encroach

In testimony last month on this issue, GAO r comply with any of these congressional directives.⁹ a comprehensive plan or provided Congress with the may have discouraged most agencies from seeking f oversight, the Department's current proposal would iterations.¹¹

Today, however, there still appears to be no s request, other than its desire to operate without acco consider the potential health and environmental imp February 26, 2003, EPA Administrator Christine To aware of any particular area where environmental pr desired training."¹² In addition. Ms. Whitman stated

House panel OKs Pentagon exemption from wildlife laws

By Michael Kilian
Washington Bureau

May 15, 2003

WASHINGTON -- In largely party-line votes, the Republican-controlled House Armed Services Committee on Wednesday night approved a package of measures that essentially would exempt the Defense Department from provisions of the Endangered Species and Marine Mammal Protection Acts and other environmental laws.

Hotly contested by environmentalists but promoted by supporters as necessary for "military readiness," the Defense Department exemption would apply to all military facilities, including golf courses, irrigated gardens and swimming pools.

In its final form the measure also gave the interior secretary discretionary power to exempt all other federal departments and agencies from Endangered Species Act provisions protecting critical wildlife habitats.

The exemptions were written into this year's defense authorization bill, which now goes to the House floor for a final vote.

Committee Chairman Duncan Hunter (R-Calif.) invoked the needs of U.S. troops in asking for the changes in the bill.

"We have asked a lot of our men and women in uniform, and they have always delivered with competence, bravery and dedication," he said. "By providing the [Defense] Department more flexibility in the management of civilian personnel, environmental compliance and acquisition policy, we are ensuring that the bureaucratic processes can keep up with the fast-changing pace of innovation on the battlefield."

Committee Democrats said the Bush administration was using the military's popularity to mask an effort to advance its anti-environment agenda.

"This change threatens the entire foundation of the Endangered Species Act," said Rep. Ellen Tauscher (D-Calif.). "The critical question is: Are we about protecting military readiness, or are we here to invoke sweeping changes in national environmental law under the guise of military readiness?"

Philip Clapp, president of the National Environmental Trust, said Wednesday night's action would be an issue in next year's congressional elections.

"The president may be able to run on national security and the war on terrorism next year," Clapp said, "but most members of Congress can't go give speeches on aircraft carriers. They're stuck with running on issues important in their districts, and the

Department of Defense's pollution is an issue in literally hundreds of them."

Amendments by Tauscher and Rep. Neil Abercrombie (D-Hawaii) to deny other, non-defense federal agencies exemptions to the Endangered Species Act and Marine Mammal Act lost on mostly party-line votes of 37-23, 35-23 and 32-23.

The Defense Department exemptions were among "reforms" that Defense Secretary Donald Rumsfeld requested to make the U.S. military a lighter, more flexible and agile force.

In a statement, the Pentagon said environmental protection laws were interfering with the military's ability to use its training and firing ranges.

"Novel interpretations and extensions of environmental laws and regulations . . . have significantly restricted the military's access to and use of military lands and test and training ranges, and limited its ability to engage in live-fire testing and training," the Pentagon said.

Before going to the Armed Services Committee, Rumsfeld's package was rerouted to the House Resources Committee, where the provisions extending exemptions to other federal agencies on a discretionary basis were added at the request of Rep. Richard Pombo (R-Calif.), said a spokesman for the committee. The bill was then forwarded to Armed Services.

In a letter to House Speaker Dennis Hastert (R-Ill.) and Minority Leader Nancy Pelosi (D-Calif.), the ranking Democratic members of the Armed Services, Government Reform, Appropriations and Budget Committees complained that the Rumsfeld changes lessened Congress' oversight authority over the Defense Department.

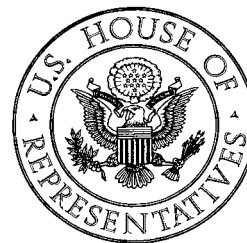
They also argued that there was no justification for the environmental exemptions, writing that EPA Administrator Christie Whitman had testified in February that she was not aware of "any particular area where environmental protection regulations are preventing the desired training."

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FOR IMMEDIATE RELEASE

May 14, 2003

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**Rep. Ellen Tauscher:
Defense Bill No Place to Secretly Gut Endangered Species Act**

Below is the statement Rep. Ellen Tauscher would have made during the House Armed Services Committee's mark-up of the Defense Authorization Bill, had Chairman Duncan Hunter not abruptly ended debate on her amendment.

"Mr. Chairman, my amendment proposes to strike subsection A of Section 317 from the Chairman's mark.

"Our task here is to evaluate impediments to military readiness activities as they relate to the environment. The Chairman's mark includes a provision totally unrelated to the Pentagon's legislative proposal.

"The Department of Defense did not request this provision, and Department of Defense certainly does not need this provision.

"Let me be very clear about this: This provision has nothing to do with military readiness.

"On the surface, subsection A appears to be a harmless word change to the Endangered Species Act. It simply amends the act by striking the phrase 'prudent and determinable' and inserting the word 'necessary' in its place.

"The true intention of this provision is to overturn a thirty-year history of case law and the original Congressional intent of the act, which is to protect endangered species and their habitats.

"This change threatens the entire foundation of the Endangered Species Act. It would make it virtually impossible to designate critical habitat anywhere, not just at military installations.

"No doubt, on this committee we have a variety of divergent views on the importance of preserving endangered species. That's irrelevant for our purposes today.

“The critical question is: Are we about protecting military readiness, or are we here to invoke sweeping changes in national environmental law under the guise of military readiness?”

“If this committee truly wants to protect military readiness, we must limit our endeavors to those problems that specifically limit readiness. We need to focus on specific, documented problems and limited solution sets.

“Allowing the ‘military readiness’ imperative to be used arbitrarily, opportunistically, and to achieve personal political agendas is a grave disservice to the American people and our responsibilities as members of the House Armed Services Committee.

“I urge my colleagues to support my amendment and to strike this disingenuous provision from the bill.”

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Editorials Oppose Department of Defense Efforts to Weaken Health and Environmental Safeguards

- San Diego Union-Tribune*, "Out of step: Military can't justify environmental waiver," May 13, 2003
- Lakeland Ledger*, "Patriotic Pollution?," May 10, 2003
- Atlanta Journal Constitution*, "Environment, military can coexist," May 8, 2003
- Gainesville Sun*, "Patriotic pollution?: Republican House members introduced a bill last week that would excuse the military from protecting the environment," May 7, 2003
- Los Angeles Times*, "The Poison of Ignorance: Government should determine whether there's a threat in our foods from a rocket-fuel chemical," April 29, 2003
- Denver Post*, "DOD must clean its messes," April 22, 2003
- San Francisco Chronicle*, "At war with the environment?," April 3, 2003
- Bangor(ME) Daily News*, "Environmental Readiness," April 3, 2003
- Detroit Free-Press*, "Military Pass: Don't exempt armed forces on environmental laws," March 31, 2003
- Charlotte Observer*, "Safety, air and water: Defense officials haven't shown pollution rules hurt readiness," March 27, 2003
- Tucson Citizen*, "Our Opinion: Don't abrogate environmental regulations," March 27, 2003
- Minneapolis Star-Tribune*, "War on environment: Needless loopholes for the Pentagon," March 26, 2003
- Arizona Daily Star*, "Such a Bother," March 24, 2003
- Fayetteville (NC) Observer*, "Natural Defense: Don't exempt military from environmental law," March 23, 2003
- New York Times*, "Invoking War to Ease Rules," March 22, 2003
- Washington Post*, "Wrong Environment," March 18, 2003
- Toledo Blade*, "The military 'environment'," March 18, 2003
- Jackson Clarion-Ledger*, "Defense Dept.: States left with site clean-up bills?," March 17, 2003
- Albany Times-Union*, "Targeting our resources: The Bush administration continues to try to weaken environmental safeguards," March 16, 2003
- Albuquerque Journal*, "Defend Environment From Pass for Pentagon," March 16, 2003
- Chattanooga Times Free-Press*, "Hold DOD to environmental rules," March 14, 2003
- Boston Globe*, "Pentagon pollution," March 13, 2003
- Philadelphia Inquirer*, "Behind enemy lines: Pentagon fears snails, not Saddam," March 13, 2003
- Milwaukee Journal Sentinel*, "The military and the greens," March 13, 2003
- Harrisburg Patriot-News*, "War against environment?," March 13, 2003
- Los Angeles Times*, "Defend the Wildlife Too," March 11, 2003
- Portland (ME) Press-Herald*, "National environmental agenda will matter in Maine," March 8, 2003
- St. Louis Post-Dispatch*, "Lean and mean, but green?," February 24, 2003



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Selected Quotes from Editorials Opposing DOD Efforts to Weaken Health and Environmental Safeguards

“The military already can receive waivers from environmental laws on a case-by-case basis. So far, the Defense Department hasn't made a case for broader exemptions.”

-San Diego Tribune, May 13, 2003

“Patriotic fervor aside, attempts to excuse military-related activities from environmental compliance are simply not supportable nor necessary.”

-Lakeland Ledger (FL), May 10, 2003

“The Bush administration is trying to use the current public goodwill toward the military to disguise an assault on some of the nation's key environmental laws. It's a cheap shot, and totally unnecessary.”

-Atlanta Journal Constitution, May 8, 2003

“In a campaign speech in April 2000, President Bush said ‘the biggest polluter in America is the federal government.’ With perchlorate studies bolstering that charge, it makes no sense to absolve the military of its cleanup responsibilities.”

-Los Angeles Times, April 29, 2003

“[I]t's tempting to conclude that the Bush administration is using public goodwill toward the military to disguise its broader political assault on environmental laws.”

-Denver Post, April 22, 2003

“Congress has beaten back attempts in the past to exempt the military from environmental laws. This time around, as the nation swells with support for its soldiers, the fight will be even tougher – but no less correct. The military does not need carte blanche to roil the land, air and water at home.”

-Detroit Free Press, March 31, 2003

“Environmental laws already permit case-by-case exemptions in the interest of national security. Broader exemptions should not be written into law until a good case has been clearly made. So far, it hasn't.”

-Charlotte (NC) Observer, March 27, 2003

“The Pentagon is pleading for exemptions to environmental regulations so it would not have to bother with toxic cleanup, endangered species, bird migration and protection of marine mammals. The strange element in all this is that there exists provision for such exemptions in matters involving national security.”

-Arizona Daily Star, March 24, 2003

“We, of course, support our military bases in Mississippi and believe they can compete with any in the U.S. But they have had to fight for survival. The state would be hard pressed to bear the economic cost of losing a base plus the cost of cleanup once it’s gone... Our congressional delegation should not allow Mississippi to be put at such economic and environmental risk.”

- *Jackson (MS) Clarion-Ledger*, March 17, 2003

“A pending war is no excuse to grant the military new exemptions from environmental criteria that routinely apply to the private sector. The Pentagon and the Bush administration are wrong to be seeking such exemptions from Congress... Giving the DOD a freer hand again to pollute and to harm endangered species should be unthinkable. The Bush administration should not get away with this.”

-*Chattanooga Times-Free Press*, March 14, 2003

“As it did last year, Congress should deny the Pentagon any blanket exemptions.”

-*Boston Globe*, March 13, 2003

“Should military training be stymied over a tree snail? Absolutely not. But neither should the military trample the laws designed to protect the same public for which soldiers are fighting.”

- *Philadelphia Inquirer*, March 13, 2003

“Perhaps Marines, gnatcatchers, woodpeckers, antelopes and shrimp can all live in peace. Even as the nation prepares for war, it need not declare Mother Nature the enemy.”

-*St. Louis Post-Dispatch*, February 24, 2003

Next week, the House is expected to consider H.R. 1904, the Healthy Forests Restoration Act, which is based largely on the Bush Administration's Healthy Forests Initiative to improve wildfire protection by reducing hazardous fuels. While there is broad agreement that this objective must be achieved, H.R. 1904 is an inadequate response to the needs of many communities across the nation.

- H.R. 1904 fails to offer meaningful protection to our communities by allowing the logging of remote backcountry with no requirement that homes and communities be protected first; and failing to provide adequate funding assistance for local fire districts, communities, homeowner associations, or tribes.
- H.R. 1904 undermines current environmental protections by providing exemptions from the National Environmental Policy Act (NEPA) to allow commercial logging projects to proceed with little environmental analysis or opportunities for public involvement; sensitive areas such as old-growth forests and road-less areas are not adequately protected.
- H.R. 1904 weakens basic citizens' rights by virtually eliminating the right to appeal bad projects and requiring courts to give unprecedented weight to the government's arguments.
- H.R. 1904 jeopardizes forest jobs by creating more controversy and gridlock. Jobs from thinning projects depend on project approval. The wholesale changes in the approval process and lack of environmental protections are certain to generate more controversy, distrust, and litigation instead of rebuilding relationships between federal agencies, communities, and conservation interests.
- H.R. 1904 is opposed by all major environmental groups including the Defenders of Wildlife, Earth Justice Legal Defense Fund, Natural Resources Defense Council, National Environmental Trust, Sierra Club, Trout Unlimited, U.S. PIRG, the Wilderness Society, and the World Wildlife Fund. It is also opposed by major civil rights groups including Americans for Democratic Action, the Mexican American Legal Defense Fund, National Organization for Women, the NAACP and Planned Parenthood.

Democrats will offer a substitute nearly identical to the amendment offered in the Resources Committee on May 14 by Reps. Miller and DeFazio, which was supported by all Democrats. The Democratic Miller-DeFazio-Rahall-Conyers substitute addresses critical hazardous fuels reduction needs without compromising environmental laws or current judicial protections.

- The Democratic substitute will create jobs for local communities by authorizing funding to thin 20 million acres of federal lands and prioritizing thinning projects

in non-controversial areas and funding projects on public, private, state, and Tribal lands.

- The Democratic substitute offers meaningful protection to our communities by requiring that 85% of the bill's funding is spent near communities and watersheds; and providing for accelerated consideration of forest thinning projects near communities in non-controversial areas.
- The Democratic substitute provides efficient wildfire protection by giving new authority to the Forest Service and the Bureau of Land Management that allows for coordinated fuel reduction projects across ownership boundaries. The substitute also codifies Bush Administration environmental review recommendations that Bush Administration officials assert will reduce the cost of reviews from \$100,000 to \$25,000.
- The Democratic substitute maintains current environmental protections. The Democratic substitute does not amend the National Environmental Policy Act, the Endangered Species Act, the National Forest Management Act or the Clean Water Act. Old growth and pristine forests are protected.
- The Democratic substitute protects the rights of citizens by retaining basic safeguards and keeping judicial review fully intact and requiring full public disclosure of documents needed to file administrative appeals.